IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9261 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

E S ANAND DIVISIONAL MANAGER

Versus

COLLECTOR

Appearance:

MR MI HAVA for Petitioner

NOTICE SERVED BY DS for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/2000

ORAL JUDGEMENT

Rule. Mr.M.I.Hava appears for the petitioner. Mr.K.T.Dave, Ld.AGP appears for respondent Nos 1 and 2 and waives service of rule. Respondent No.4 appeared as party in person.

2. Mr.K.T.Dave, Ld.AGP for respondent Nos 1 and 2 states that the District Magistrate, Mehsana has already passed order dated 31.8.2000 revoking the impugned order dated 19.8.2000 and restoring the No Objection

Certificate issued by the District Magistrate in favour of the petitioner. The Collector also passed oreder that the petitioner Company shall not pay 40% of the lease rent to Jagatkumar Satishbhai Patel(respondent No.3 herein) and that the said amount shall be retained by the petitioner as deposit which shall abide by the decision of the Civil Court in the suit between the parties. Certain other observations are also made in the said order.

3. This Court, however, does not go into the merits of direction Nos 2 and 3 contained in the said order dated 31.8.2000 as the District Magistrate has already restored the No Objection Certificate in favour of the petitioner-Company.

4. In the facts and circumstances of the case, however, it would be just and proper to direct that the District Magistrate & Collector, Mehsana shall not pass any order against the petitioner-Company without giving reasonable opportunity of being heard to the petitioner Company and in case any adverse order is passed, no such order shall be implemented without giving petitioner-Company atleast one month's time to enable the petitioner-Company to pursue appropriate remedy in accordance with law.

The petition is accordingly disposed of subject to aforesaid directions. Rule is discharged. Respondent Nos 1 and 2 shall pay costs of this petition to the petitioner.

19.9.2000 (M.S.SHAH,J)